

Article 2: Land Use Plans

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Division 1: Adoption And Amendment Procedures for Land Use Plans

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§122.0101 Purpose of Procedures for Adoption and Amendment of Land Use Plans

The purpose of these procedures is to standardize the review process for the adoption of new *land use plans* and the privately or publicly initiated amendment of adopted *land use plans*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§122.0102 When Review of Land Use Plans Is Required

Any planning or *development* proposal that would require adoption or amendment of a *land use plan* shall be reviewed in accordance with this division.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§122.0103 Initiation of Adoption or Amendment of Land Use Plans

Preparation of a new *land use plan* or amendment of an existing *land use plan* requires initiation by one of the following methods.

- (a) The City Council may, by resolution, direct the preparation of a new *land use plan* or an amendment to an applicable *land use plan*.
- (b) The City Manager or an *applicant* may request that the Planning Commission initiate an amendment to a *land use plan* by filing an application in accordance with Section 112.0102.
 - (1) The City Manager may recommend that a larger area than that proposed by the *applicant* be included in the proposed amendment.
 - (2) The Planning Commission may approve the request to initiate the amendment only if the Planning Commission determines that the application meets the criteria listed in Section 122.0104.
 - (3) The Planning Commission shall deny the request to initiate the amendment if they determine that the criteria listed in Section 122.0104 have not been met. If the request is denied, the Planning Commission

shall mail a notice to the *applicant* stating that the amendment has not been initiated. The notice shall be mailed to the *applicant* within 2 *business days* of the date of the Planning Commission's decision.

- (4) An *applicant* whose request to initiate an amendment has been denied may submit a written request to the City Clerk that the application to initiate be considered by the City Council. The *applicant* must submit the request no later than 10 *business days* after the Planning Commission's decision.
- (5) The City Council may initiate the amendment if it determines that the application meets the applicable criteria in Section 122.0104.
- (6) The City Council shall not initiate the amendment if it determines that the criteria in Section 122.0104 have not been met.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§122.0104 Criteria for Initiation of Amendments to Land Use Plans

- (a) Primary Criteria. An amendment to a *land use plan* may be initiated if any of the following criteria are met:
 - (1) The amendment is appropriate due to a map or text error or to an omission made when the *land use plan* was adopted or during subsequent amendments;
 - (2) Denial of initiation would jeopardize the public health, safety, or welfare; or
 - (3) The amendment is appropriate due to a material change in circumstances since the adoption of the *land use plan*, whereby denial of initiation would result in a hardship to the *applicant* by denying any reasonable use of the property.
- (b) Supplemental Criteria. If none of the primary criteria listed in this section are met, an amendment to a *land use plan* may be initiated if all of the following supplemental criteria are met:
 - (1) The proposed *land use plan* amendment is consistent with the goals and objectives of the Progress Guide and General Plan;

- (2) The proposed *land use plan* amendment appears to offer a public benefit to the community or City;
 - (3) Public services are available or are planned to be available to serve the proposed change in *density* or intensity of use; and
 - (4) City staff is available to process the proposed *land use plan* amendment without any work being deferred on General Fund-supported programs or on-going *land use plan* updates.
- (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§122.0105 Decision Process for Land Use Plans

A decision on a *land use plan* or an amendment to a *land use plan* shall be made in accordance with Process Five.

- (a) The City Council may make a minor change to a proposed *land use plan* during the public hearing.
 - (b) The City Council shall refer any material change to a proposed *land use plan* to the Planning Commission for its recommendation. The failure of the Planning Commission to provide a recommendation on the material change within 45 calendar days of the date of the conclusion of the Commission hearing shall be deemed a recommendation for approval.
- (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§122.0106 Certification Requirements for Local Coastal Program Amendments

- (a) Any new *land use plan* or amendment to an applicable land use plan that applies to property in the Coastal Overlay Zone constitutes an amendment to the *Local Coastal Program*.
- (b) Notice of availability. At least 6 weeks before the City Council hearing to approve or deny an amendment to the *Local Coastal Program*, the City Manager shall distribute a notice of availability in accordance with the applicable provisions of the California Coastal Act and Guidelines and shall make available to the public a review draft of the amendment language.
- (c) *Certification of Local Coastal Program Amendments.* An amendment to the City's *Local Coastal Program* must be certified by the California Coastal Commission in accordance with Coastal Commission regulations. If the Coastal Commission certifies the amendment with modifications, the City

Council shall conduct a public hearing, noticed in accordance with Sections 112.0301(c) and 112.0305, to consider the modifications, no later than 6 months after the Coastal Commission action.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§122.0107 Adoption and Amendment of Specific Plans

- (a) Specific plans adopted on or after January 1, 2000 shall be prepared pursuant to the California Government Code and shall be processed in accordance with the *land use plan* initiation criteria and the decision process described in this division.
- (b) The specific plan shall include the required contents listed in California Government Code Section 65451. The required contents shall be formulated into a policy element and a regulatory element. The policy element shall contain detailed land use policies for the area covered by the specific plan and the decision process and permit type for subsequent *development* proposals that will implement the specific plan. The specific plan shall not establish new decision processes or permit types, but shall use Processes One through Process Five as established in Chapter 11 and the permit types described in Chapter 12. The zoning regulations shall consist of either:
 - (1) Application of existing base zones of Chapter 13; or
 - (2) Proposed base zones that shall be adopted into Chapter 13 as well as applied to the area covered by the specific plan. These zones shall become base zones that could be applied to other property in the City.
- (c) A specific plan shall be adopted by a resolution of the City Council.
- (d) Zoning or rezoning to implement the specific plan shall be adopted by ordinance of the City Council.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)